

Present: Vice Chair Jack Karcz, Jack Downing, Andy Kohlhofer, Tim Lavelle, Roger Barham, Paul Powers, alternate member Mike Wason, Senior Planner Jenn Rowden, Building Inspector Gregory Arvanitis, and Land Use Administrative Assistant Casey Wolfe

Also Present: Bob Berner, Mary O'Brien, Anders Ragnarsson, Mike Rislove, Deborah Goard, Mike Riopelle, Cynthia Feeley, Edward Feeley, Steve Bassett, Bruce White, and Bill Gregsak

Mr. Karcz opened the meeting at 7:00 pm. He appointed Mr. Wason to vote on behalf of Mr. Hunter.

## I. MINUTES

Mr. Barham made a motion to approve the minutes of September 19, 2018. Mr. Downing seconded the motion. The motion passed 7-0-0.

## II. CONTINUED BUSINESS

**(Lots One, Two, and Three) Applicant Kasher Corporation has submitted a site plan application for a proposed condominium multi-family development at the recently subdivided Map 2 Lot 148-1. The proposed project involves construction of a four unit multi-family structure.**

The applicant has asked for a continuance. **Mr. Kohlhofer made a motion to continue this application to November 7, 2018. Mr. Downing seconded the motion. The motion passed 6-0-1.**

## III. NEW BUSINESS

**Eversource Energy - Public Hearing pursuant to RSA 231:158 for trimming and removal of trees along North Road, a designated scenic road**

Bob Berner introduced himself as an arborist who works for Eversource Energy. He explained that Eversource seeks approval to trim and remove trees and brush along North Road which is a designated scenic road. They will target the removal of branches eight feet to the side, ten feet below, and fifteen feet above their conductors. They have also submitted a list of "risk" trees that they are targeting for removal. All of the abutters have been notified about the work via mail. If the abutters do not respond, that is considering implied consent and Eversource will begin their work. **Mr. Lavelle made a motion to open the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.** There were no comments from the public. **Mr. Kohlhofer made a motion to close the public hearing. Mr. Powers seconded the motion. The motion passed 7-0-0.** Mr. Powers made a motion to approve the trimming and removal of trees along North Road. Mr. Downing seconded the motion. The motion passed 7-0-0. Mr. Berner left at 7:05 pm.

**Public Hearing for a site plan application for two proposed manufacturing and assembly buildings for Ragnar Original Innovations, Inc. to be located at 662 Main Street (Map 2 Lot 151-2). Application submitted by Fremont Land, LLC.**

Mr. Lavelle recused himself from this part of the meeting. Mr. Gregsak introduced himself as the engineer representing Fremont Land, LLC. He passed out some drawings to the Board members and explained that this project will be done in four phases. The proposed buildings will manufacture machines that recycle wood into charcoal to be used in filters. The components of the machine are made elsewhere and would simply be assembled at this site. The clients that would buy these machines are all over the world. Wood will not be processed and recycled at this site. Mr. Gregsak explained that the smaller building will be constructed during phases one and two and the larger building will be constructed during phases three and four. The first building will need about 20 employees and the second building will need about 40 employees. Mr. Gregsak mentioned that the Fremont Zoning Board granted them two variances so that the first building can be 40 feet tall and the second building can be 55 feet tall. This project will need an Alteration of Terrain permit and an updated driveway permit from the State.

Ms. Rowden stated that in the ordinance machine assembly is considered a prohibited use unless it can be demonstrated that there will not be any toxic or hazardous substances. Mr. Ragnarsson stated that there will be hydraulic oil and fuel on site. Ms. Rowden explained that this use needs a conditional use permit from the Planning Board. If hazardous materials are stored inside, that could help the applicant's case. Mr. Karcz asked about the four phases. Mr. Gregsak explained that phases one and two will be constructed at the same time and phases three and four will be done separately. If the business grows, then they will construct phases three and four. Ms. Rowden stated that there is a maximum of 10% impervious surface coverage for lots in the aquifer protection district. Mr. Ragnarsson stated that there will be a storage tank for hydraulic fluid in the building. He also stated that the engines for the machines will be delivered already assembled and will have coolant in the radiators. Mr. Karcz asked if they will eventually need to repair these machines. Mr. Ragnarsson stated that this was possible. Ms. Rowden stated that more information about this need to be submitted in writing.

Ms. Rowden read off some items that need to be added to the plans: more information on the existing conditions plan regarding lot size, upland areas, zoning requirements, location of any boundary markers, plan references, notes regarding the conditional use permit, date the variances were granted, any waivers granted from the site plan regulations, road miles to fire station, estimates of noise generation, waiver from regulation that requires all buildings within 200 feet of the property line to be shown, and snow storage areas need to be delineated on the plans. Mr. Gregsak stated that some of this information was in the letter of intent. Ms. Rowden did not recommend that the Board take jurisdiction of this application until the Board receives comments from the town engineer. Mr. Gregsak stated that the drainage report will be received by Alteration of Terrain. Mr. Barham stated historically the town engineer has reviewed the drainage report. **Mr. Kohlhofer made a motion to open the public hearing. Mr. Powers seconded the motion. The motion passed 6-0-0.**

Deborah Goard introduced herself as the Stewardship Director of the Southeast Land Trust. She stated that her organization owns about ten acres of land that abuts Map 2 Lot 151-2. The land

was gifted to them in 2011. While they are not opposed to the development, they are concerned that the owner has not recognized existing access ways through their land to abutting lots and has blocked off the pathway to their lot with boulders. They would like to understand where their existing access is and they have started working with Don Wilson to figure this out. It might take several months for him to do this research. This research will need to go back to the 1700s or 1800s. Ms. Rowden stated the Town requires all easements and right-of-ways to be shown on the plan. When a surveyor stamps a plan, he is verifying that the research he did is accurate. Any dispute after this ultimately becomes a civil matter. Alternatively, after the Planning Board approves the plan, an abutter can appeal the Planning Board's decision. An abutter would have thirty days after the decision date to do this. She also noted that a legally existing right-of-way will continue to exist whether or not it is on these site plans.

Mr. Bassett stated that his right-of-way shows up on the survey from 1931. Mr. Barham stated that the Town expects land owners to honor right-of-ways through their property. At this time, Mr. Bassett still has not demonstrated that there is a right. He felt that the application for the site plan review should proceed and simultaneously the research can be done about the right-of-way. If documentation is found proving the right, then he expects the landowner to honor that. Mr. Ragnarsson stated that if they can prove they have a right then he will not block the access. Nothing in the proposed site plan will block the access. Mr. Bassett noted that the access is currently blocked by boulders. Mr. Lavelle explained that right-of-ways are a tricky thing; sometimes they are physical locations and sometimes it is just a right to pass through someone's property. He stated that a map that shows a woods road does not mean it's a right-of-way. He thought it was great that the Southeast Land Trust hired Don Wilson to do this research. Mr. White stated that if the path has been used for a length of time, it becomes a right-of-way. He felt that the Board should have considered that the Bassett family has been crossing that land for a long time. He felt that the Bassett family should have been treated with more respect.

Mr. Barham stated that documentation needs to be provided to prove that there is a right-of-way. Mr. Bassett felt that Board should require the applicant to resolve this problem before they can move forward with their project. There was some discussion about asking the town attorney to weigh in. **Mr. Kohlhofer made a motion to seek legal counsel from the town attorney regarding the town's responsibility for third party easements. Mr. Barham seconded the motion. The motion passed 6-0-0. Mr. Powers made a motion to close the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.** Mr. Lavelle stated that they are looking for a waiver from Site Plan Regulation 1.13.M that requires locating existing structures within 200 feet of the site. Because of the size of the site, he felt that this regulation is unnecessary. **Mr. Kohlhofer made a motion to open the public hearing to discuss this waiver request. Mr. Powers seconded the motion. The motion passed 6-0-0.** Mr. Gregsak noted that you cannot see any of the proposed buildings from the road or from any other buildings. **Mr. Powers made a motion to close the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0. Mr. Powers made a motion to approve the waiver to Site Plan Regulation 1.13.M. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

Mr. Lavelle also stated that they are seeking a waiver from the requirement for a traffic impact analysis. He explained that this is not a retail site, there will not be a lot of traffic going in and out. Additionally, he explained that the entrance to the site is already designed for large numbers.

Mr. Lavelle explained that full-size tractor trailer trucks will come for deliveries. It is estimated that about 22 trips will occur in the morning and 24 in the afternoon. Once the machines are completed, they are transported with an overweight permit. He hopes to have five machines go out a month for phase one and two. Ms. Rowden stated that the traffic count on route 107 is about 6,000 cars a day. **Mr. Kohlhofer made a motion to open the public hearing to discuss this waiver request. Mr. Powers seconded the motion. The motion passed 6-0-0.** There was some discussion about how route 107 is a State road and they will need to apply for a driveway permit through the DOT. **Mr. Barham made a motion to close the public hearing. Mr. Powers seconded the motion. The motion passed 6-0-0. Mr. Powers made a motion to approve the waiver from the regulation that requires a traffic impact analysis. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0.**

Mr. Lavelle requested a continuance. The Board decided to continue the application to November 7<sup>th</sup>. **Mr. Kohlhofer made a motion to continue the application to the November 7<sup>th</sup> Planning Board meeting. Mr. Powers seconded the motion. The motion passed 6-0-0.** Mr. Lavelle stated that his client is hoping to get concrete in the ground this year. He would like to avoid any bonding issues holding the project up. Of course it makes sense to bond erosion, sediment control, and drainage systems. He does not want to waste time going back and forth about what should be bonded at the site. Ms. Rowden recommended that the applicant applies for a waiver from section 1.19 in the regulations, to make it clear what items will and will not be bonded. Mr. Ragnarsson agreed that it would be good to resolve the bond issue sooner rather than later. The applicant and the abutters left at 8:06 pm. Mr. Lavelle rejoined the Board as a voting member.

#### **IV. CIRCUIT RIDER BUSINESS**

Ms. Rowden asked the Board if any members were interested in forming an aquifer protection ordinance subcommittee. Mr. Arvanitis, Mr. Karcz, and Mr. Kohlhofer agreed to attend a meeting for this during the workweek.

There was some discussion about the upcoming Planning Board Special Session on October 17, 2018. Between 6:30 pm and 7:00 pm Ms. Rowden will have copies of the proposed ordinance changes and some maps that show the proposed changes to the zoning districts. She will be around to answer any questions from the public. Then at 7:00 pm she will do a PowerPoint presentation summarizing the proposed changes. This presentation will last about thirty minutes.

#### **V. OTHER BUSINESS**

Ms. Wolfe announced that the Earth Removal Permit renewals that were approved at the last meeting still need to be signed by the Chair. There was some discussion about a large loam pile at Governor's Forest. Mr. Arvanitis could not see how he could deem it as a health hazard. He felt that this is a civil matter between Mr. Ferwerda and his tenants. The Board seemed to agree that the Town could not take this issue any further. There was some discussion about the pending access way between Governor's Forest and Witham Park. There is a still a cease and desist order

in place for the property. Mr. Ferwerda can develop phase three but is unable to pull any building permits until the access way issue is resolved.

Mr. Powers made a motion to adjourn at 8:21 pm. Mr. Lavelle seconded the motion. The motion passed 7-0-0.

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant